

1 of 2

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**MCDERMOTT, WILL & EMERY****FACSIMILE****FROM:**

Attorney: Judith L. Toffenetti, Esq. Direct Phone: 202-756-8320  
Attorney's E-Mail: jtoffenetti@mwe.com  
Secretary: Rosanna Pase Direct Phone: 202-756-8392  
Client/Matter/Tkpr: 64162-022-6740 Date: March 18, 2003 Time Sent: \_\_\_\_\_  
Number of pages including this page: 117

**TO:**

Examiner Scott D. PRIEBE  
Name: GAU1632 Facsimile No. 703 746 3131  
Company: U.S. Patent & Trademark Office Contact No. \_\_\_\_\_

Re: U.S. Patent Application No. 09/464,767

As requested in your telephonic request of May 1, 2003, enclosed is a copy of the Office Action dated September 16, 2002 and of Applicants' Amendment, Petition for Extension of Time and Terminal Disclaimer filed in response thereto, with the USPTO on March 17, 2003 and Letter Submitting Declaration Under 35 USC 1.132 fax filed on March 18, 2003.

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Client/Matter/Tkpr: 64162-022-6740 Date: March 18, 2003 Time Sent: \_\_\_\_\_  
Number of pages including this page: 14

**TO:**

Examiner **Scott D. PRIEBE**  
Name: GAU1632 Facsimile No. 703 308 4242  
Company: U.S. Patent & Trademark Office Contact No. \_\_\_\_\_

Re: U.S. Patent Application No. 09/464,767

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Number of pages including this page: 14

**TO:**

Examiner **Scott D. PRIEBE**  
Name: GAU1632 Facsimile No. 703 308 4242  
Company: U.S. Patent & Trademark Office Contact No. \_\_\_\_\_

Re: U.S. Patent Application No. 09/464,767

Response to Office Action due February 16, 2003 (Second Extension)

Applicant: Gerald Wayne BOTH, et al. Docket No. 64162-022  
Title: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE  
AS A VIRAL VECTOR Serial/Reg./Patent No. 09/464,767  
Date Sent: 3/17/2003 ☐ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ Express Mail No. \_\_\_\_\_  
☐ Transmittal Letter  
New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ CPA ☐ RCE ☐ Prov  
☐ Other: \_\_\_\_\_  
\_\_\_\_\_ pages of Specification  
\_\_\_\_\_ pages of Claims  
\_\_\_\_\_ pages of Abstract  
\_\_\_\_\_ pages of Formal/Informal Drawings  
☐ Small Entity ☐ Large Entity  
☐ Declaration/Power of Attorney  
☐ Recordation of Assignment/Security Agreement  
☐ Information Disclosure Statement  
\_\_\_\_\_ Form PTO 1449  
\_\_\_\_\_ copies of cited references  
☐ Preliminary Amendment  
☐ Response to Missing Parts Notice  
☐ Resp. to Notice to Correct App. Papers  
☐ Certified Copy of Priority Doc.  
☐ Claim for Convention Priority  
☒ Response/Amendment to Office Action of 16SEP02  
☒ Petition for THREE month Extension of Time

☐ Letter submitting \_\_\_\_\_ pages of drawings  
☐ Req. for Approval of Drawing Amendments  
☐ Req. for Oral Hearing  
☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief  
☐ Rule 312 Amendment/Letter  
☐ Req. for Acknowledgement of Cited Art  
☐ Issue Fee  
☐ Publication Fee  
☐ Req. for Certificate of Correction  
☐ Maintenance Fee for \_\_\_\_\_ years after grant  
☐ Fee Address Indication Form  
☒ Terminal Disclaimer  
☐ Petition to Commissioner  
☐ Status Inquiry  
☐ Other \_\_\_\_\_

**Stamp: OIPE 3574 MAR 17 2003 PATENT & TRADEMARK OFFICE**

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Docket No.: 64162-022

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gerald Wayne BOTH, et al.

Serial No.: 09/464,767

Group Art Unit 1632

Filed: December 16, 1999

Examiner: Scott D. Priebe

For: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL VECTOR

THE COMMISSIONER FOR PATENTS AND TRADEMARKS  
Washington, DC 20231

Dear Sir:

Transmitted herewith is an Amendment in the above identified application.

- ☒ No additional fee is required.  
☐ Applicant is entitled to small entity status under 37 CFR 1.27  
☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	25	27	0	\$18.00 =	\$0.00
Independent Claims	11	12	0	\$84.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$930.00
Total of Above Calculations					\$0.00 \$930.00

- ☒ Please charge my Deposit Account No. 500417 in the amount of \$ 930.00. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL &amp; EMERY

  
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Date: March 17, 2003

ATTORNEY DOCKET NO. 64162-22  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re CPA Application of:

Gerald W. BOTH, et al.

Serial No.: 09/464,767

Filed: December 16, 1999

For: DNA ENCODING OVINE ADENOVIRUS )  
(OAV287) AND ITS USE AS A VIRAL VECTOR )

Group Art Unit: 1632

Examiner: SCOTT D. PRIEBE

**LETTER SUBMITTING DECLARATION UNDER 35 USC § 1.132**Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

*see paper #26 declaration*

Supplemental to the Amendment and Reply filed with the U.S. Patent and Trademark Office on March 17, 2003, Applicants submit a Declaration Under 35 U.S.C. § 1.132 in the above-identified application duly executed by the inventor, Gerald W. Both.

Respectfully submitted,

MCDERMOTT, WILL &amp; EMERY

Judith L. Toffenetti  
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Date: March 18, 2003